

CHAPTER 59
WATER QUALITY
H.F. 311

AN ACT relating to water quality.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.103A, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. Following the effective date of a general permit, a person proposing to conduct activities covered by the general permit shall provide a notice of intent to conduct a covered activity on a form provided by the department. A person shall also provide public notice of intent to conduct activities covered under the general permit by publishing notice in two newspapers or one newspaper with the largest circulation in the area in which the facility is located. Notice of the discontinuation of a permitted activity other than storm water and allowable nonstorm water discharges shall be provided in the same manner.

Sec. 2. Section 455B.186, Code 2013, is amended to read as follows:

455B.186 Prohibited actions.

1. A pollutant shall not be disposed of by dumping, depositing, or discharging such pollutant into any water of the state, except that this section shall not be construed to prohibit the discharge of adequately treated sewage, industrial waste, or other waste pursuant to a permit issued by the director in accordance with rules adopted by the commission. A pollutant whether treated or untreated shall not be discharged into any state-owned natural or artificial lake except as authorized in subsection 2.

2. A Subsection 1 shall not be construed to prohibit the use or application of a pesticide in accordance with the federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136 et seq. However, an aquatic pesticide shall not be applied to any water of this state which has been classified by the department as a class "A" or class "C", high quality, or high quality resource water, except that this section shall not be construed to prohibit the application of such a pesticide by a certified applicator who is trained in aquatic applications and who has received a permit from the department the United States except as authorized in accordance with rules adopted by the commission.

Sec. 3. Section 455B.265, subsection 1, Code 2013, is amended to read as follows:

1. In its consideration of applications for permits, the department shall give priority in processing to persons in the order that the applications are received, except where the application of this processing priority system prevents the prompt approval of routine applications or where the public health, safety, or welfare will be threatened by delay. If the department determines after investigation that the diversion, storage, or withdrawal is consistent with the principles and policies of beneficial use and ensuring conservation, the department shall grant a permit. An application for a permit shall be approved or denied within ninety days from the date that the department receives the complete application. A renewal permit shall be approved or denied by the department within thirty days from the date that the department receives ~~an~~ a complete application for renewal. If the applicant requests an extension of the time allotted, the department may approve the request to allow the applicant more time to submit additional information to resolve a contested or complex application. Regardless of the request in the application, and subject to appeal, the director or the department ~~on appeal~~ may determine the duration and frequency of withdrawal and the quantity of water to be diverted, stored, or withdrawn pursuant to the permit. Each permit granted after July 1, 1986, shall include conditions requiring routine conservation practices, and requiring implementation of emergency conservation measures after notification by the department.

Sec. 4. Section 466.8, Code 2013, is amended to read as follows:

466.8 On-site wastewater systems assistance program.

~~1.~~ 1. The department of natural resources shall establish an on-site wastewater systems assistance program for the purpose of providing low-interest loans to homeowners ~~residing outside the boundaries of a city~~ for improving on-site wastewater disposal systems.

~~1.~~ 2. The environmental protection commission shall adopt rules for carrying out the program including but not limited to criteria for homeowner participation, the methods used to provide loans, and financing terms and limits.

~~2.~~ 3. The department may make and execute agreements with public or private entities, including lending institutions as defined in section 12.32, as required to administer the program.

~~3.~~ 4. Assistance provided to homeowners shall not be used to pay the nonfederal share of the cost of any wastewater system projects receiving grants under the federal Clean Water Act, 33 U.S.C. § 1381 – 1387.

~~4.~~ The department shall report to the general assembly annually on the progress of the on-site wastewater systems assistance program.

Sec. 5. Section 466.9, subsection 3, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) The financing account which shall be used for the exclusive purpose of providing financing to homeowners ~~residing outside the boundaries of a city~~ with improving on-site wastewater systems under the on-site wastewater systems assistance program.

Approved April 24, 2013